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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/917,300 | 07/27/2001 | Robert C. Knauerhase | 10559-507001 | 9586 |

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| EXAMINER |
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JACOBS, LASHONDA T

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| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|-----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/917,300 | KNAUERHASE, ROBERT C. | |
| | Examiner | Art Unit | |
| | LaShonda T Jacobs | 2157 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-13,15-24 and 26-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-13, 15-24 and 26-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants' Amendment filed on December 7, 2004. Claims 2-3, 14 and 25 have been cancelled. Applicants newly add claims 30-41. Claims 1, 4-13, 15-24, 26-41 are presented for further examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims **10, 20-21, 28-29** and **33-35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have used a contradictory statement "and/or". Examiner will use the "or" statement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **33-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamundan et al (hereinafter, "Aravamundan", U.S. Pat. No. 6,301,609).

As per claims **33, 34** and **35**, Aravamundan discloses a messaging routing system and machine-implemented method comprising:

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient (col. 7, lines 5-20);
- maintaining a data repository configured to store the discovered accessibility state information (col. 5, lines 13-29); and
- a message routing decision process configured to route a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

As per claims **36, 37** and **38**, Aravamundan discloses a message routing system and machine-implemented method comprising:

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient by receiving information from the message recipient relating to the message communication status (col. 7, lines 5-20);
- maintaining a data repository configured to store the discovered accessibility state information (col. 5, lines 13-29); and

- a message routing decision process configured to route a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-13, 15-24, 26-32 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamundan in view of Matsa et al (hereinafter, "Matsa", U.S. Pub No. 2002/0178227).

As per claims 1 and 13, Aravamundan discloses a machine-implemented method comprising:

- discovering information relating to an accessibility state of one or more communication channels associated with a message recipient (col. 7, lines 5-20); and
- maintaining a data repository comprising the discovered accessibility state information (col. 5, lines 13-29);
- routing a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

However, Aravamundan does not explicitly disclose:

- user preferences relating to user preferences message routing paths.

Matsa discloses routing instant messages using configurable, pluggable delivery managers:

- user preferences relating to user preferences message routing paths (paragraphs 0030, 0033-0035 and 0040-0041).

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated Matsa's teachings of routing instant messages using configurable, pluggable delivery managers with the teachings of Aravamundan, for the purpose of providing a flexible delivery policy for routing the instant message to according to the user configuration database [see Matsa, paragraph 0005]. Thus, Aravamundan provides the motivation to combine by utilizing a unified messaging system to locate and query a user for a proposed message on different communication channels [see Aravamundan, Col. 2, lines 25-31].

As per claim **24**, Aravamundan discloses a message-routing system comprising:

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient (col. 7, lines 5-20);
- a data repository configured to store the discovered accessibility state information (col. 5, lines 13-29); and
- a message routing decision process configured to route a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

However, Aravamundan does not explicitly disclose:

- user preferences relating to user preferences message routing paths.

Matsa discloses routing instant messages using configurable, pluggable delivery managers:

- user preferences relating to user preferences message routing paths (paragraphs 0030, 0033-0035 and 0040-0041).

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated Matsa's teachings of routing instant messages using configurable, pluggable delivery managers with the teachings of Aravamundan, for the purpose of providing a flexible delivery policy for routing the instant message to according to the user configuration database [see Matsa, paragraph 0005]. Thus, Aravamundan provides the motivation to combine by utilizing a unified messaging system to locate and query a user for a proposed message on different communication channels [see Aravamundan, Col. 2, lines 25-31].

As per claims 30, 31 and 32, Aravamundan discloses a message-routing system comprising:

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient (col. 7, lines 5-20);
- a data repository configured to store the discovered accessibility state information (col. 5, lines 13-29); and
- a message routing decision process configured to route a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

However, Aravamundan does not explicitly disclose:

- maintaining information about the user that facilitates context-appropriate message routing decisions to be made.

Matsa discloses routing instant messages using configurable, pluggable delivery managers:

- maintaining information about the user that facilitates context-appropriate message routing decisions to be made (paragraphs 0026, 0030, 0033-0035 and 0040-0042).

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated Matsa's teachings of routing instant messages using configurable, pluggable delivery managers with the teachings of Aravamundan, for the purpose of providing a flexible delivery policy for routing the instant message to according to the user configuration database [see Matsa, paragraph 0005]. Thus, Aravamundan provides the motivation to combine by utilizing a unified messaging system to locate and query a user for a proposed message on different communication channels [see Aravamundan, Col. 2, lines 25-31].

As per claims 39, 40 and 41, Aravamundan discloses a machine-implemented method comprising:

- discovering information relating to an accessibility state of one or more communication channels associated with a message recipient (col. 7, lines 5-20);
- maintaining a data repository comprising the discovered accessibility state information (col. 5, lines 13-29); and
- routing a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

However, Aravamundan does not explicitly disclose:

- receiving a device-independent identifier uniquely identifying a message recipient.

Matsa discloses routing instant messages using configurable, pluggable delivery managers:

- receiving a device-independent identifier uniquely identifying a message recipient (paragraphs 0026, 0030, 0033-0035 and 0040-0042).

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated Matsa's teachings of routing instant messages using configurable, pluggable delivery managers with the teachings of Aravamundan, for the purpose of providing a flexible delivery policy for routing the instant message to according to the user configuration database [see Matsa, paragraph 0005]. Thus, Aravamundan provides the motivation to combine by utilizing a unified messaging system to locate and query a user for a proposed message on different communication channels [see Aravamundan, Col. 2, lines 25-31].

As per claims **4**, **15** and **26**, Aravamundan discloses the invention substantially as claims discussed above:

However, Aravamundan does not explicitly disclose:

- information about the user that facilitates context-appropriate message routing decisions to be made.

Matsa discloses routing instant messages using configurable, pluggable delivery managers:

- information about the user that facilitates context-appropriate message routing decisions to be made (paragraphs 0026, 0030, 0033-0035 and 0040-0042).

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated Matsa's teachings of routing instant messages using configurable, pluggable delivery managers with the teachings of Aravamundan, for the purpose of providing a flexible delivery policy for routing the instant message to according to the user configuration database [see Matsa, paragraph 0005]. Thus, Aravamundan provides the motivation to combine by utilizing a unified messaging system to locate and query a user for a proposed message on different communication channels [see Aravamundan, Col. 2, lines 25-31].

As per claims 5 and 16, Aravamundan discloses the invention substantially as claims discussed above:

However, Aravamundan does not explicitly disclose:

- wherein a context-appropriate message routing decision is based at least in part on a level of obtrusiveness of an associated communications channel.

Matsa discloses routing instant messages using configurable, pluggable delivery managers:

- wherein a context-appropriate message routing decision is based at least in part on a level of obtrusiveness of an associated communications channel (paragraphs 0026, 0030, 0033-0035 and 0040-0042).

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated Matsa's teachings of routing instant messages using configurable, pluggable delivery managers with the teachings of Aravamundan, for the purpose of providing a flexible delivery policy for routing the instant message to according to the user configuration database [see Matsa, paragraph 0005]. Thus, Aravamundan provides the motivation to combine by utilizing a unified messaging system to locate and query a user for a proposed message on different communication channels [see Aravamundan, Col. 2, lines 25-31].

As per claims 6, 7, 17 and 18, Aravamundan discloses wherein the discovered accessibility state information includes:

- information relating to whether the recipient is reachable via a communication channel (col. 9, lines 30-44).

As per claims 8, 19 and 27, Aravamundan discloses wherein the discovered accessibility state information includes:

- information relating to whether the recipient is available via a communications channel (col. 9, lines 30-44).

As per claims **9**, **20** and **28**, Aravamundan discloses wherein routing the message comprises:

- choosing one or more communication channels associated with the user such that the is (i) likely to reach the user, (ii) in a timely manner, and/or (iii) at a context-appropriate level of obtrusiveness (col. 9, lines 64-67, col. 10, lines 1-6 and lines 53-66).

As per claims **10**, **21** and **29**, Aravamundan discloses wherein discovering information comprises:

- receiving information from a communications service provider relating to the message recipient's communications status and/or activity (col. 9, lines 10-22 and lines 30-44).

As per claims **11** and **22**, Aravamundan discloses wherein discovering information comprises:

- receiving information from the message recipient relating to the message recipient's communication status (col. 10, lines 52-66).

As per claims **12** and **23**, Aravamundan further discloses:

- providing the capability for a machine to receive from a message sender a device-independent identifier uniquely identifying the message recipient (col. 11, lines 14-19 and lines 38-45).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4-13, 15-24, 26-41 has been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
February 8, 2005


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